

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

TRACIE LEE WALTER, Individually  
and On Behalf of All Others Similarly  
Situated,

Plaintiff,

V.

**BSP MARKETING, LP; BSP  
DISTRIBUTION, LLC; ANTHONY  
DIMICELI, SAMMY J. DIMICELI and  
SAMMY DIMICELI, JR.,**

Defendants.

[illegible]

C.A. NO. 4:10-cv-00179

## JURY TRIAL DEMANDED

**ORDER GRANTING PLAINTIFF'S  
MOTION FOR CLASS CERTIFICATION AND EXPEDITED DISCOVERY**

Pending before the Court is Plaintiff Tracie Lee Walter's Motion For Class Certification and Expedited Discovery pursuant to 29 U.S.C. § 216(b). After considering the motion, response, the applicable law, and the arguments of counsel, if any, the Court is of the opinion that said motion should be GRANTED.

It is, therefore, ORDERED, ADJUDGED and DECREED that Plaintiff Tracie Lee Walter's Motion For Class Certification and Expedited Discovery is hereby GRANTED.

It is further

ORDERED that Plaintiff Tracie Lee Walter is hereby appointed as class representative. It is further

ORDERED that the law firm of MOORE & ASSOCIATES hereby appointed as class counsel. It is further

ORDERED that Plaintiff's request for expedited discovery is GRANTED. It is further

ORDERED that Defendants are to provide to Plaintiff, in both printed hardcopy and computer readable format, within ten (10) days from the entry of this order, the following information for all individuals employed by Defendants as "delivery drivers" and/or "merchandisers" and/or "salesmen" (or who were performing the job functions of a "delivery driver" and/or "merchandiser" and/or "salesman") for the three (3) years immediately preceding the entry of this order through the present:

- (1) Full names;
- (2) Last known addresses;
- (3) Social Security numbers;
- (4) All known telephone numbers;
- (5) Dates of employment;
- (6) Location(s) of employment; and
- (7) Nature of employment.

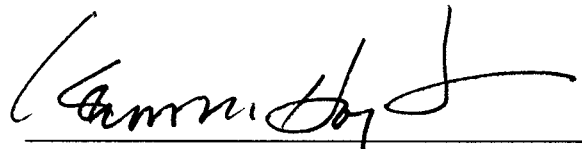
It is further

ORDERED that the information above shall be produced together with an affidavit, attached as Exhibit G to Plaintiff Tracie Lee Walter's Motion For Class Certification and Expedited Discovery, executed by Defendants' representative.

ORDERED that the proposed notice, attached as Exhibit E to Plaintiff Tracie Lee Walter's Motion For Class Certification and Expedited Discovery, is fair and accurate and shall be disseminated after Defendants have complied with this Order. Such notice

shall be mailed by first class U.S. mail, with a copy to Defendants' counsel, at Plaintiff's attorneys' expense. The notice shall include an Opt-In/Consent Form and a return addressed, postage-paid envelope. Putative plaintiffs will have ninety (90) days from the receipt of the notice to file their consents with this Court.

SIGNED this 29<sup>th</sup> day of December in the year 2010  
at Houston, Texas.

A handwritten signature in black ink, appearing to read "Kenneth M. Hoyt", written over a horizontal line.

Kenneth M. Hoyt  
United States District Judge